

REMARKS

By this Amendment, claims 87, 92, and 95 are amended and claim 91 is canceled, leaving claims 4-86, 88-90, 93, 94, and 96-107 unchanged. Claims 1-3 were canceled in an earlier Amendment.

On pages 3 and 4 of the Office Action, claim 95 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, it is noted that the claimed upright of the rack conversion assembly cannot be supported solely by rack uprights as claimed in claim 95. Claim 95 is hereby amended to remove the term “solely”. Withdrawal of the 35 U.S.C. §112, second paragraph rejection of claim 95 is therefore respectfully requested.

On pages 2 and 3 of the Office Action, claims 4-66 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-64 of United States Patent Number 6,739,463 issued to Wishart et al. The Applicant submits herewith a Terminal Disclaimer for the present patent application, and requests that the fee under 37 C.F.R. §1.20(d) for submission of the Terminal Disclaimer be charged to Deposit Account Number 50-1965. Accordingly, the Applicant respectfully requests that the double patenting rejection of claims 4-66 be withdrawn.

On page 3 of the Office Action, claims 87-90 and 93-96 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by United States Patent Number 6,029,833 issued to Yeh. However, on page 4 of the Office Action, claims 91 and 92 are objected to as being dependent upon a rejected base claim (claim 87), but are noted as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 87 is hereby amended to include the limitations of allowable claim 91. Withdrawal of the 35 U.S.C. §102(b) rejection of claim 87 is therefore respectfully requested.

Claims 88-90 and 93-96 are each ultimately dependent upon amended claim 87, and are therefore allowable based upon amended claim 87 and upon other features and limitations claimed in claims 88-90 and 93-96 but not discussed herein. Withdrawal of the 35 U.S.C. §102(b) rejections of claims 88-90 and 93-96 is therefore respectfully requested.

If any issues remain outstanding upon entry of this Amendment, the Examiner is respectfully requested to telephone the undersigned Applicant's Representative at (414) 225-8266.

Respectfully submitted,

BY



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